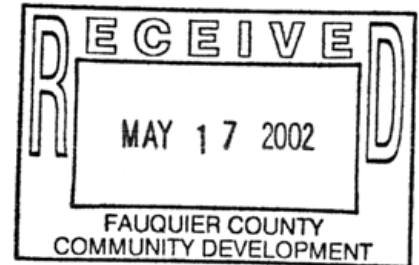


ATTACHMENT 3

COMMUNITY WIRELESS STRUCTURES

May 17, 2002

Brian Davis, Senior Planner
Fauquier County Department Community Development
Court and Office Building
40 Culpeper Street Third Floor
Warrenton, VA 20186



Re: Application for Special Exception
Telecommunications Monopole
Remington
Tax Map #38, Parcel #9459
Trust One, James R. Mills, Trustee – Owner
Community Wireless Structures II, LLC – Developer

Dear Mr. Davis:

The following statement and materials are submitted as justification and support for the above-referenced Application for Special Use Permit.

I. The Property:

The subject property, Parcel #9459, is approximately 47.41 acres. (See Exhibit A, Tax Map 38.) It is located at 11435 Lucky Hill Road just east of the intersection of Route 28 and Route 15/29 in the Lee Magisterial District of Fauquier County, Virginia. The parcel is zoned RA and is owned by Trust One, Mr. James R. Mills, Trustee, P.O. Box 686, 11435 Lucky Hill Road, Remington, VA. 22734 (See Exhibit B, Zoning Map, and Exhibit C, Ground Lease.)

II. Proposed Use:

Community Wireless Structures II, LLC ("CWS") proposes to construct a one hundred forty-five-foot (150') lattice structure topped by a five-foot (5') lightning rod. The lattice structure, along with a concrete foundation and ancillary one-story equipment buildings and control cabinets, will be located within a secure fenced compound measuring approximately 5,000 square feet. (See Exhibit D, Monopole Profile, and Exhibit E, Site Plan, prepared by Marvin T Hinchey, P.E., dated May 6, 2002.)

Hours of Operation: Cell sites installed here will operate twenty-four (24) hours per day, seven (7) days per week. Periodic maintenance visits will occur during daylight hours. Emergency repairs may necessitate occasional nighttime visits.

Facility Maintenance: Each co-location carrier will visit the site approximately one time per month.

Number of Personnel: The proposed facility will be unmanned.

Ingress/Egress: Ingress and egress will be via a gravel access road to be constructed off of Lucky Hill Road.

Parking: Parking for a service vehicle is provided inside the fenced compound.

III. Justification For Proposal:

This lattice structure is designed to meet the expanding need for wireless coverage along heavily traveled Route 29 and along Route 28 in the southern portion of Fauquier County. The proposed lattice structure, which will be located at the Fairways Golf Range, will facilitate wireless service along a stretch of Route 29 where there is no service. Currently there is a 7-mile gap between the NCT Opal monopole, located at the Route 29/Route 17 intersection, and the SBA lattice structure, located near Route 29 to the south in Culpeper County. This distance is too great to enable the hand off of wireless signals between the two structures. The proposed lattice structure will be located approximately midway between these two sites and will, thus, facilitate seamless wireless coverage in this gap. The only other telecommunications facility in the vicinity of Route 29 is the NCT lattice structure south of Bealeton along Route 17. However, since the Bealeton lattice structure is 2.05 miles directly east of Route 29 and the proposed lattice structure, it is too distant to provide good coverage along Route 29. (See Exhibit F, Existing Structures Within The Vicinity, Exhibit G, Distance Between Structures, and Exhibit H, Propagation Maps.)

The only other structure in this vicinity is the Town of Remington ground storage tank. (See Exhibit F, Existing Structures Within The Vicinity.) Since this water tank is only 60 feet tall, it is too short for co-location of many carriers' antenna arrays. Even if the location and height were correct for one carrier, another antenna support structure is required along this portion of Route 29.

CWS is not itself a wireless service provider; rather, it develops infrastructure on which wireless service providers lease space. CWS maximizes co-location by (i) developing telecommunications facilities to accommodate multiple service providers, and (ii) identifying locations where there is a demand and need for new, improved or expanded wireless telecommunications coverage. The proposed monopole will accommodate up to six (6) wireless service providers along with the County's communication and emergency services. (See Exhibit D, Lattice Structure Profile.) Attached, as further justification for the need for the proposed lattice structure is a letter from Sprint PCS, dated March 15, 2002, expressing their interest in collocating on the lattice structure. (See Exhibit I.)

IV. The proposed tower structure meets the goals and purposes of the Fauquier County Zoning Ordinance as set forth in Part 1, Section 11-102.3:

3. **Transmission Towers.** . . . *Lattice towers, guyed towers, monopoles and related unmanned equipment structures(s) may be developed as a special exception use, subject to the following criteria and guidelines:*
 - a. *Zoning application category. New personal wireless facilities which cannot achieve the standards in Section 11-102.2 shall require special exception Approval, subject to findings of fact based on the following criteria:*

- *Location: Due to topography, forested areas, and floodplain barriers, environmental factors provide, to an equal degree, adequate buffer and camouflaging to reduce the 1,000 foot setback from a residential unit;*

The proposed structure will be located in the midst of mature woods. A 500-foot buffer of trees will camouflage the structure from the nearest off-site homes, which are in the 7900 block of Nokesville Road. A 100-foot buffer of trees will largely conceal the structure from the rental house on the Fairway Golf Range. (See Exhibit E, Site Plan) Since the existing trees of trees provides adequate buffering and camouflaging, CWS requests that the Board of Supervisors reduce the 1,000-foot setback from a residential unit.

- *Siting: A new personal wireless service facility may be a pole that is sited outside of existing trees, or in an area surrounded by less than 100 feet of trees in all directions, if the design is mitigated or camouflaged in such a way to be less visible than if it were in the trees;*

The proposed structure will be located in the midst of mature woods. A 500 foot buffer of trees will largely conceal the structure from the nearest off-site residential units, which are in the 7900 block of Nokesville Road. A 100-foot buffer of trees will largely conceal the structure from the golf driving range and the residential unit located on the parcel in question. (See Exhibit E, Site Plan)

- *Design: A new personal wireless service facility may be higher than 80 feet. Provided that the omni-directional or dual-polarization antennas are no higher than 10 feet above the average tree top height; or*

See answer below.

- *Special Circumstances: A telecommunication tower facility up to 120 feet in height is permissible upon technical demonstration that environmental and topographical constraints, as well as available technology used, cannot provide acceptable service at a lower height. Such a facility needs to be designed to accommodate co-location; or*

With the exception of emergency communication tower facilities, a personal wireless or telecommunication facility proposed in excess of 120 feet in height is an application of last resort. The applicant/carrier must technically justify that: (a) all existing structures, site and height alternatives have been exhausted; and (b) the facility proposed is at the minimum height, based on the best available technology, to adjust to the identified environmental and topographical constraints, for the established service carrier, and without the site at the requested height, service cannot be provided.

As can be seen from Exhibit F, Existing Structures Within the Vicinity,

Exhibit G, Distance Between Structures, and Exhibit H, Propagation Maps, there are no existing towers or structures in the geographic area that can meet the engineering requirements of CWS to fill the gap in wireless service along Route 29 between the NCT Opal monopole and the SBA lattice structure.

The applicant must submit, prior to special exception application, any telecommunication facility proposal, greater than 120 feet in height, to the Architectural Review Board (ARB) for review and recommendation. Its application review will focus on Sections 11-102.3.a (location and siting) and 11-102.3.b.14 (assessment of historic resources and Scenic Byways impacts), as well as the Comprehensive Plan. ARB recommendations shall be transmitted to the Community Development Director no later than 30 days after its scheduled meeting; otherwise, it will be deemed as a recommendation for approval.

Thomas A. Murray of CWS appeared before a meeting of the Architectural Review Board on March 6, 2002. The ARB voted to give a favorable recommendation for a light gray lattice tower not to exceed 120'. (See Exhibit L, Architectural Review Board, Meeting Minutes.)

Proposed monopole, lattice and guyed towers greater than 80 feet in height shall be located only in RA, RC, C-1, C-2, C-3, I-1, I-2, CV or the PCID Zoning Districts. The performance standards are listed in Sections 11-102.2.b and 11-102.2.c.

The proposed structure will be located on a parcel zoned RA.

b. *General Performance Criteria: All personal wireless or telecommunication facilities, whether permitted by right or permissible with the approval of a special exception or special permit application, shall be subject to the following submittal standards and criteria:*

(1) *Before proceeding to the zoning/building permit phase, new telecommunications towers and facilities are subject to the County site plan review and approval process.*

No response required.

(2) *The proposed telecommunication tower or monopole, and associated uses and equipment shelters, shall be compatible with development in the vicinity with regards to the setting, color, lighting, topography, materials and architecture. In addition, the facility should be located in the interior of the property, and areas of existing vegetation, if applicable, shall be used to screen the facility.*

The lattice structure itself will be gray galvanized steel. The FAA has determined that a structure with a height of up to 170 feet at this location does not pose a hazard to air navigation and, therefore, does not need

obstruction and marking lighting. Since CWS's proposed lattice structure has a height of 150 feet, it would also pose no hazard to air navigation. (See Exhibit J, FAA Determination Letter, dated May 1, 2002.) The lattice structure will be located in the interior of the property within a grove of mature trees that screen the facility from the surrounding area.

- (3) *New telecommunication facilities greater than 80 feet in height shall be designed to accommodate co-location, complete with the engineering report attesting to the capacity, unless the Applicant is able to certify:*

The proposed structure with a height of 150 feet has been designed to accommodate the co-location of up to six (6) wireless service providers. (See Exhibit D, Lattice Structure Profile.) There are six (6) wireless service providers currently operating in Fauquier County: Verizon, Cingular, Sprint PCS, Nextel, AT&T Wireless and VoiceStream. CWS will specify that the lattice structure must have the capacity to support six (6) carriers when the order is placed with the tower vendor. The resulting drawings will indicate this structural capacity.

[Response to (a), (b) and (c), below, is not required.]

- (a) *Doing so would create an unnecessary visual impact on the surrounding area; or*
- (b) *No additional need is anticipated for any other potential user in the vicinity; or*
- (c) *There is some valid economic, technological or physical justification as to why collocation is not possible.*

The applicant shall identify the conditions under which future collocation by other service providers is permitted.

- (4) *The height of new towers shall be limited based on technological need, type of facility location, and/or required permit approval.*

As can be seen from Exhibit F, Existing Structures Within the Vicinity, Exhibit G, Distance Between Structures, and Exhibit H, Propagation Maps, there are no existing towers or structures in the geographic area that can meet the engineering requirements of CWS to fill the gap in wireless service along Route 29 between the NCT Opal monopole and the SBA lattice structure. The lattice structure will be located in the interior of the property within a grove of mature trees that screen the facility from the surrounding area.

The FAA has determined that a structure with a height of up to 170 feet at this location does not pose a hazard to air navigation and, therefore, does